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**1999 Hanford Openness Workshop #2 & #3
April 8 and 9, 1999
Federal Building, Richland, WA.**

SUMMARY

PARTICIPATING:

Debi Abramson, Bill Dixon, Lockheed Martin Hanford Company; Mary Lou Blazek, Dirk Dunning, Oregon Office of Energy; Greg deBruler, Columbia River United; Andy Gordon, University of Washington; Judith Jurji, Hanford Downwinders Coalition; Diane Larson, former Hanford employee; Angel McCormack, Nez Perce Tribe; Nanci Peters, Yakama Indian Nation; Gerry Pollet, Heart of America Northwest; Max Power, Washington Department of Ecology; Christie Drew, Elaine Faustman, Deirdre Grace, Michael Kern, Tim Nyerges, Donna Prisbrey, Consortium for Risk Evaluation with Stakeholder Participation (CRESP); Jim Bauer, Paul Kruger, Gail McClure, Karen Randolph, Yvonne Sherman, Rick Stutheit, Dan Tano, Terri Traub, Department of Energy Richland Office (DOE-RL); Kim Engle, John Butcher, Walt DeCase, Pacific Northwest National Laboratory (PNNL), Debra Miller, Fluor Daniel Hanford (FDH) External Affairs; Peggy Terlson, Battelle Columbus.

INTRODUCTIONS AND MEETING BUSINESS

After participants introduced themselves, Michael Kern announced that Jim Werner, DOE-HQ contact for the PEIS settlement, would not be able to hold an evening session with participants after HOW #2 but would be happy to participate in a second conference call. He announced the first national stakeholder forum for the PEIS settlement database will be in Columbia, MD on June 3-4, 1999. The Environmental Law Institute is facilitating and coordinating travel. Participants expressed frustration that the forum conflicts with HOW #4 and a Hanford Advisory Board (HAB) meeting and agreed to request a follow-up conference call.

Yvonne Sherman noted that the time for input into contractor evaluations begins October 1, so the HOW report should be submitted to DOE before or around that time. Participants discussed moving up the date of HOW #5 to September 7, after Labor Day and concurrent with the September 8-10 HAB in Seattle. A small group agreed to discuss this change and make a proposal to the full HOW.

Michael Kern proposed a schedule to help the participants achieve outcomes for the 1999 HOW series:

- Early Outcomes by June 2
- All Outcomes by August 1
- Working Group reports by August 15
- Review Progress Report Draft at HOW#5 on September 7 and 8 (original date September 24)
- Review Revised/New Fact Sheets at HOW#5 on September 7 and 8 (original date September 24)
- Progress Report and Fact Sheets printed and distributed as soon after Sept 8 as possible.

Michael Kern announced that CRESP and DOE-RL are working on a reprint of 1998 HOW Report. Participants should contact CRESP if they need more copies.

Michael Kern reported that the Tribal Openness Working Group held their first conference call on April 5 to plan for HOW #4 and produced several action items:

- HOW #4 Conference calls will be held biweekly and then weekly through April and May.
- The working group is collecting material for an educational resource packet to be provided to Tribal Openness Workshop participants.
- The Working Group will bring to the next conference call names of people they want to attend the workshop.
- The Working Group is deciding on a suitable location for the workshop.
- The Working Group wants to invite declassification personnel to attend the workshop.
- The Working Group will discuss agenda topics at the next call.

The 1999 HOW#1 draft summary and the February 23 PEIS settlement conference call draft summary were passed around the table for revisions during HOW #2. The revisions were approved at HOW #3.

Action Item: CRESP to distribute the approved summaries to participants and Yvonne Sherman to place them on the HOW web page.

Michael Kern asked participants to clarify if they had approved Mary Lou Blazek as HOW spokesperson and Max Power as alternate spokesperson at 1999 HOW #1 and they confirmed that they had.

DOE-RL OPENNESS UPDATE

Yvonne Sherman explained that Roger Heusser of the DOE-HQ declassification office could not attend HOW #2 and 3. She read a fax from him which explained he was needed at Headquarters to deal with "upcoming decisions on next year's budget concerns on openness."

Yvonne Sherman introduced the Kyl Amendment to participants, a response to the discovery that restricted data had been blanket released under an Executive Order. The amendment enacts a review of all documents affected by the Executive Order to remove restricted data or formerly restricted data before release. Yvonne noted that this put a great deal of strain on Roger Heusser's staff. Michael Kern asked Terri Traub to look for information to provide participants about the Kyl Amendment. Terri Traub distributed a packet of this information at HOW#3.

Yvonne Sherman updated the HOW about the status of the Secretary of Energy Advisory Board's (SEAB) Openness Advisory Panel (OAP). She spoke recently with OAP Administrator Rich Burrow, who said the OAP still exists, though it hasn't met for a while. It will meet soon, though no date is set. The topic for the next meeting is DOE's implementation of the Kyl Amendment and if it fits the OAP's view of responsible openness. He invited the HOW to send a representative to their next meeting. Yvonne suggested the HOW send a letter to the OAP regarding the current Secretary's position on openness.

Yvonne Sherman reported that DOE-HQ's response to HOW 98 Report is being coordinated by Dan Berkovitz, EM-20, Office of Planning, Policy and Budget.

Yvonne Sherman suggested that holding workshops in Richland increases our chances of having the DOE-RL site manager attend.

Rick Stutheit reported results from a Declassified Document Retrieval System (DDRS) key word search his program conducted in response to recommendation 48e in the 1998 HOW Report. At 1999 HOW #1, he asked participants to provide a list of keywords they would like to have run

through the DDRS.

Participants provided the following terms: Radioactive; Hazardous; Disposal; Releases; Environment; Exposure, Accidents; Incidents; Animal; Human; Tests; Criticalities; Occurrences; Dangerous; Biological; Chemical; Health; Abnormal; Tribe(s); Tribal; Indian (s); Yakima; Nez Perce; Umatilla (Tribe, not city); Wanapum (Tribe, not dam); Native American; Native(s); Indigenous; River; Columbia River; Salmon; Fish; Steelhead; Leak; Evacuate; Evacuation; Vadose Zone.

Of these terms, "chemical" was considered too generic (i.e., yielded many thousands of "hits").

The following yielded negative results (i.e., no "hits"): Tribe(s); Tribal; Dangerous; Criticalities; Indian(s); Nez Perce; Umatilla (Tribe); Wanapum (Tribe); Native American; Indigenous; Vadose Zone.

Rick Stutheit provided participants with a large stack of search results for the rest of the

terms. These results include the document number, title, date and status for each document retrieved via each key word. Participants asked about some of the document status terms.
Rick Stutheit

explained that "not publicly available" means that the document is declassified, but not yet released on OpenNet, perhaps because it has not been reviewed for Privacy Act or Export Controlled information. "In process" means the document is currently in the declassification process. "Status unknown" means the document is in DDRS, but has not been processed.

WORKING GROUP SESSIONS

Participants spent the remains of HOW #2 and the first half of HOW #3 in working groups. First, the Employee Openness and Information Tools working groups held planning sessions where they developed a list of key issues and potential outcomes to focus on in their conversations with DOE-RL Program Managers. Then, the Declassification and Public Involvement working groups held similar planning sessions. All four working groups reported back to the full HOW.

The Employee Openness and Information Tools working groups met with DOE-RL program managers through the afternoon of HOW #2. The Declassification and Public Involvement working groups met with program managers through the morning of HOW #3. Participants reconvened for the last half of HOW #3 and each working group reported which outcomes they would be focusing on.

EMPLOYEE OPENNESS WORKING GROUP

Participants: Debi Abramson, Jim Bauer, Mary Lou Blazek, Elaine Faustman, Deirdre Grace, Paul Kruger, Diane Larson, Debra Miller, Gerry Pollet, Peggy Terlson.

The Working Group discussed the need to diagram who handles employee concerns and the flow of this information through DOE-RL and DOE-HQ. This diagram could join information about the President's Zero Accident Council (PZAC) on a fact sheet. They discussed independent surveys of employees that have been conducted at DOE by various councils, Washington State University and the University of Washington, and a new study in the exploratory stage with Fluor Daniel Hanford (FDH). They discussed the databases that track employee concerns: Do people understand these studies? Is there a review process in place to determine accuracy? How do we know the prioritization is appropriate? The managers explained that the current system does a "triage" for urgent issues.

The Working Group decided that while financial incentives are an important part of performance-based systems where low accident and safety incidents are rewarded, the focus needs to be shifted to rewarding appropriate behavior. Such a shift is difficult to develop but is especially important since a financial reward system based solely on incentives for accounting and reporting obviously has a built-in disincentive to report accidents and incidents. Tank Waste Remediation System (TWRS) language was mentioned as a model. Is there a corrective action plan to address issues identified by surveys? The group decided the Hanford Joint Council could be used in a proactive, integrated way. The HOW could recommend drawing up a plan to broaden the recent site-wide training conducted by Billie

Garde. The incentives to litigate would change to incentives to mediate if DOE's legal fee payment policy of reimbursable costs changed.

The group discussed possible employee rewards that would promote safe behavior, such as informal discussions with managers or small rewards that thank, but don't incentivize. Another idea was a voluntary program where a positive review results in a "merit" or "star," to make the workplace more palatable, so workers are excited about it. There is also the safety conscious work environment developed by the Nuclear Regulatory Commission (NRC) to look at as a model.

The Working Group asked the program managers to identify issues surrounding the lack of interface. Paul Kruger identified a need to encourage contractors to take appropriate action when concerns arise. He suggested adding to the contract structure an extraction of fee when significant negative safety events occur. He suggested adding stronger language to contracts to address recrimination. He suggested writing a letter calling for infrastructure to be put into place that supports recent statements by the Secretary of Energy about "zero tolerance."

The group discussed DOE's commitment to zero tolerance for reprisal for raising safety and security concerns. Contractors need to take appropriate action regarding management who engages in reprisal.

The group discussed a small, but alarming trend of employees reporting work-related minor injuries to personal doctors, rather than to employee contacts. The group recognized pressure to reach "no-lost-workdays" milestone. They identified a need to determine how to reward safety without driving reports underground. They determined that the Performance Expectation Plan (PEP) has successes and failures, but they needed examples of where it is and is not effective in order to determine where and how it can be strengthened.

The program managers explained that the Employee Concerns Office handles concerns from DOE employees and contractors' employees. Complaints are either handled at the contractor level or at the Employee Concerns Office. Approximately 40% of the concerns brought to the contractors are about safety and health. Individual safety councils track concerns that are resolved at this "lowest level," but the Employee Concerns Office does not track them. There is no comprehensive document that tracks the number and category of complaints.

The Working Group determined that one HOW strategy for addressing employee openness issues was to send a letter to DOE-HQ about contract recommendations, coupled with an inclusion of contract issues in the report to the site.

The Employee Openness Working Group identified seven outcomes:

1. **A diagram of how Hanford employees raise concerns.** The information in this diagram will lead to understanding the employee concerns process needed for the group's other outcomes and will contribute to a fact sheet. Jim Bauer to draft diagram by May 15.
2. **A description of how databases which track employee concerns are linked (both locally and nationally), leading to recommendations on linkages.** Jim Bauer will draft the description by May 15.
3. **The identification and description of follow-up employee concerns actions, leading to**

a recommendation that prioritizing systems need to go beyond recognizing acute concerns. After Jim Bauer drafts the above information in a report, he will then circulate it to the other managers to ensure accuracy. He will mail the report to Elaine Faustman by May 15.

4. A fact sheet describing the information from action item numbers one through three.

5. A description of methods private companies and other organizations use create a safety culture. The description will come out of research into the ways private companies and other organizations have found to deal with problems similar to those DOE-RL faces with its safety program. Because DOE-RL tracks and celebrates safety numbers, there is an unintended incentive for accidents and other negative reports to go "underground." The challenge is to create a "safety culture" without this unintended consequence. Other companies and organizations may already have addressed this. The description will lead to possible recommendations to DOE.

6. A letter to HQ recommending a change in the legal fee payment policy for reimbursable costs from "incentives to litigate" to "incentives to mediate." For example, the OSHA/DOE Voluntary Protection Program (VPP); is this also a model for doing our entire job better? Rewards for cost saving? Gerry Pollet will draft the letter by June 2.

7. A letter to HQ that recommends methods to implement zero tolerance. The letter will include the Secretary of Energy's comments about "zero tolerance" found in an October 1, 1998 memorandum to all DOE and contract employees and will call for the development and articulation of infrastructure to support the language in the statement.

INFORMATION TOOLS WORKING GROUP

Participants: Dirk Dunning, Christie Drew, Andy Gordon, Kim Engle, Judith Jurji, Michael Kern, Angel McCormack, Donna Prisbrey, Max Power, Yvonne Sherman, Rick Stutheit, Terri Traub.

The Working Group reviewed Rick Stutheit's deliverable from 1999 HOW #1: the results list from the DDRS the key word search. While discussing the meaning of several of the codes, the group suggested DOE expand web searching tools of the DDRS with a glossary or some other meta-data description explaining terms and the logic behind the coding.

The group discussed that since SPIRE was developed using government money, it should be publicly available for beta testing. Dirk Dunning, Andy Gordon and Angel McCormack expressed interest in installing the program at their offices for this purpose. Kim Engle described a similar technology called STARLIGHT, which expands data points to 3-D clouds.

The group discussed with program managers the limits of the current system of release of documents and built on issues addressed in the HOW 1998 report. Effective data mining tools are essential since key words and titles are so limited in their usefulness.

Angel McCormack explained that the issues surrounding DDRS and web resources were good topics for the Tribal HOW. Andy Gordon volunteered one of his classes to test the system to assist Angel McCormack in searching already available documents for tribal issues. The class would obtain the scanned information, by topics Angel McCormack selected, building on the results.

The program managers described a database which tracks internal DOE-HQ correspondence. The Working Group decided understanding HQ data tracking could help reveal how the HQ system works. It may provide a map for decision tracking, leading to a more open and transparent decision process. The Working Group also wants to see where the system breaks down, where they cannot get information about decisions, revealing where the "black box" starts.

The Working Group discussed the importance of using the information tools which are the most available and most effective for the greatest number of people and not limiting thinking to the newest and most powerful technologies. They suggested newspapers or 1-800 numbers as examples.

The Information Tools Working Group identified six outcomes:

- 1. A test of Optical Character Reader (OCR) technology on RL documents already publicly-available as images on OpenNet.** Students of the Information Technology and Public Policy class of the University of Washington Graduate School of Public Affairs (GSPA) will test currently available technology to see if the information in the scanned documents can be transferred to a form that is more easily searchable. They will complete the student project by June 2. Andy Gordon is the lead. He will explore a follow-up student project to be completed by August 1, the possible use of interns and will coordinate with Angel McCormack. This project will also be testing the system at DOE to discover document accessibility, ease of conversion, legibility of files, and the quality of their summary.
- 2. A test of data mining software.** Sun Unix and other versions of STARLIGHT/SPIRE will be made available to Oregon Office of Energy (OOE), UW GSPA and Nez Perce to test by June 2. Perhaps installed by August 1.
- 3. A plan for integrating a current Yakama, Nez Perce, Umatilla Oral History project with DOE-RL.** Nanci Peters will develop the plan by June 2 and provide a status report on the Cultural Resources Oral History program by August 1.
- 4. Input on a web page Yvonne Sherman is creating where users can make online Freedom of Information Act (FOIA) requests of DOE-RL.** The Working Group members will review the web page and comment by June 2. Yvonne to send hard copies to Working Group members and get comments back before June 2.
- 5. Case studies of decision making tracking systems at DOE-RL and DOE-HQ.** Christie Drew will help working group members follow the trail of several documents or decisional processes within the correspondence tracking systems to test decision making tracking and report by Aug 1. Test topics will include CRCIA, downwinder medical monitoring, and the HOW 1998 Report. This may provide positive and negative examples in addition to case studies of open decision making.

6. **A positive example.** Lloyd Piper's write-up of messages heard at DOE-RL regional budget hearings can be pointed to as a positive example of information tools and public involvement in a pre-decisional process. This can be included in the Progress Report.

DECLASSIFICATION WORKING GROUP

Participants: Greg deBruler, John Butcher, Walt DeCase, Dirk Dunning, Kim Engle, Michael Kern, Angel McCormack, Donna Prsbrey, Max Power, Yvonne Sherman, Terri Traub.

The Working Group expressed concern that the issues surrounding the Kyl Amendment, espionage security problems and legislative efforts to review usually private human subjects research may hamper declassification and openness efforts. They reiterated the OAP's assertion that the goal of openness needs to be to build "higher fences" around a smaller amount of material, thereby enhancing security.

The Working Group determined that one of the most important issues in the declassification process was fully funding the HDP, to ensure that documents are not only declassified but become accessible—thus addressing declassified but not reviewed documents, and declassified and reviewed documents but unscanned and unavailable.

The Working Group expressed concern that the issue of declassified but not accessible documents is reoccurring at Hanford. For example, DOE-RL recently declassified a large amount of documents from the Berg Lawsuit, which are not available to the public. The issue needs to be better explained to the HOW and then an input point found where the HOW can give advice.

The Working Group expressed concern that the Tribes' have no input regarding the HDP. Searching the DDRS occurs by key words and titles, neither of which reach Tribal priorities. The HOW determined in 1998 that these key words and titles do not give a complete indication of the contents of the documents in general. The tribes are also concerned about which documents are declassified, and need to be able to keep private culturally-sensitive documents. DOE-RL declassifiers committed to attending the Tribal Openness Workshop.

The Declassification Working Group identified eight outcomes:

1. **A letter to Secretary of Energy Richardson, cc: to Openness Advisory Panel (OAP) and NN52, making recommendations about RL-related records at other sites, field offices, repositories, and other storage locations and records at other sites.** Dirk Dunning and Angel McCormack to draft by May 17. Angel McCormack to take to DOE Records Managers Conference. Dirk Dunning and Angel McCormack to finalize by August 1.
2. **A fact sheet on the legal issues surrounding access to records requested in legal processes.** Max Power, Gerry Pollet and Greg deBruler will pursue discussions with one or more law professors, including Leonard Shrader by May 1 Richard Meserve by June 2, and draft the fact sheet by August 1.

3. **Examples for the report:** Positive Example, HDP Project. Negative Examples, Records at other sites, Records from litigation.
4. **A letter from the HOW to Secretary Richardson and Site Manager Keith Klein supporting HDP funding.** CRESP will draft, for participants' review, and send by April 13.
5. **A NARA records process recommendation for inclusion in the Progress Report,** which Dirk Dunning will draft.
6. **A Fact Sheet on "openness with security" philosophy of "higher fences on a narrower set of information."** CRESP and Max Power will draft it by August 1.
7. **A plan for Tribal involvement in DOE-RL declassification.** Declassifiers will attend the Tribal Openness Workshop June 2. The Tribal Openness Working Group and DOE-RL managers will draft the plan by August 1. The plan may include biannual or quarterly information sessions between tribal representatives and DOE-RL declassifiers.
8. **The Tribal Openness Workshop will spotlight the need for Tribal involvement in current activities, not just historical records activities.**

PUBLIC INVOLVEMENT WORKING GROUP

Participants: Debi Abramson, Mary Lou Blazek, Greg deBruler, Christie Drew, Elaine Faustman, Deirdre Grace, Andy Gordon, Judith Jurji, Diane Larson, Gail McClure, Tim Nyerges, Gerry Pollet, Karen Randolph.

The Public Involvement Working Group focused on three basic issues: 1) fragmentation within the DOE-RL process, 2) lack of transparency in the decision making processes without clear decision points for potential public involvement input or clear results of those interactions, and 3) a need for diversity of decision processes, because not all decisions or public involvement processes are or should be the same.

The program managers explained to the Working Group that the Performance Expectation Plan (PEP) evaluates the Public Involvement (PI) program through one PEP objective. The PI program evaluates the contractors by the timing, logistics and personnel they supply to the public process. The Working Group decided that input from more groups was desirable in evaluating the DOE Public Involvement program.

Mary Lou Blazek presented an evaluation proposal, incorporating a program that Oregon uses to evaluate the public involvement of the Tri Parties and DOE-HQ. She called for language to be added to the PEP and setting up an evaluation team with members from DOE, HOW, the Hanford Advisory Board (HAB) and Oregon to annually evaluate written materials, public meetings, notices and mailings, speakers and public information. This would provide DOE with fuller information on which to base contractor evaluations and provide a basis for suggested improvements.

The Public Involvement Working Group identified four outcomes:

1. A synthesis of the Working Group's criteria with existing DOE objectives and measurement tools to create effective evaluation tools. Gail McClure and Mary Lou Blazek each have a list of specific documents describing the existing DOE-RL and Oregon State public involvement evaluation tools. Christie Drew will work with Mary Lou Blazek and Gail McClure to help consolidate and synthesize objectives and criteria from DOE and the HOW, to develop a framework of values, goals, objectives and criteria for evaluating public involvement. The group recognized that final objectives may be broader than those in the existing tools and that the criteria need to match the objectives (This outcome will lead directly into outcome #3). The plan for this outcome will be developed by June 2. CRES P and Mary Lou Blazek will complete this draft document by August 1.

2. A fact sheet describing public involvement. The fact sheet will describe the different levels of involvement, focusing on the issues of communication, cooperation, coordination, collaboration, decision input and contractor focus input. The fact sheet will include success stories, will pull from the downwinder experience and budget and may also include other case studies as needed. The fact sheet will describe DOE process mechanisms and fragmentation. Elaine Faustman will build on Gail McClure's diagram from outcome #4. Tim Nyerges, Christie Drew and Mary Lou Blazek will review it.

3. A plan for improving the evaluation of public involvement activities.

Ideas for improving the evaluation procedures included bringing together a group to evaluate DOE's public involvement. Elaine Faustman suggested building on Mary Lou Blazek's proposal and set up an evaluation team with two members each from DOE, HOW, the HAB, Oregon State, and Washington State. The Working Group expressed concerns that the evaluation group not become "another board" or its work "another survey." Rather, it should be a dialogue to improve public involvement. The evaluation group will start with forward- and backward-looking documents, also called a "look ahead, look back" publication. The group's conclusions will feed into the Performance Expectation Plan (PEP) fee evaluation. The group will need specific criteria for success and process, which will come from the synthesis in objective #1. CRES P will work with Mary Lou Blazek to create the proposal for this group. The dialogue should consider how to handle communication links among public involvement efforts and the link between objectives for public involvement and how such involvement is evaluated. A plan for the group will be completed by June 2. The final proposal for the group will be completed by August 1.

4. A diagram providing a pictorial description of the DOE-RL Public Involvement program. Gail McClure has a diagram that includes what areas DOE-RL covers, and within DOE-RL, which programs cover which issues. It includes where DOE-HQ becomes involved, what DOE-RL sends to them and what DOE-HQ sends back. This diagram is a useful tool in the work towards a new paradigm and will be helpful in the completion of the other three outcomes. Gail McClure will provide this document to working group members before June 2.

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For questions or comments about this page, please send email to Yvonne_T_Sherman@ri.gov
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